

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ADAM CHRISTOPHER,

Plaintiff,

v.

DR. LILY LIU,

Defendant.

ORDER

18-cv-944-bbc

Plaintiff Adam Christopher brought this suit against defendant Lily Liu, a physician at Jackson Correctional Institution. I granted summary judgment to defendant, dkt. #165, and plaintiff appealed, dkt. #186. Magistrate Judge Peter Oppeneer issued a bill of costs in defendant's favor in the amount of \$151.84. Dkt. #185. Now plaintiff has filed a motion to stay enforcement of the award of costs until the resolution of his appeal. Dkt. #194. Because of his limited financial means, plaintiff wants to delay paying costs until the court of appeals has determined that he must do so. I will grant plaintiff's motion.

Under Rule 62(b) of the Federal Rules of Civil Procedure, a party may obtain a stay of execution of a money judgment pending appeal by posting a bond assessed by the court. The only exceptions to the bond requirement in the rule are for the federal government and liens on property. See Fed. R. Civ. P. 62(e) and (f). But the court of appeals has interpreted Rule 62 as giving courts discretion to waive the bond requirement. Dillon v. City of Chicago, 866 F.2d 902, 904 (7th Cir. 1988). In this instance, plaintiff cannot afford a bond. The amount of costs owed by plaintiff is likely a minor amount to defendant, but the

amount is significant when compared to the \$100 average monthly balance of plaintiff's trust fund account. Dkt. #3. Under the circumstances, I will stay enforcement of the award of costs pending the resolution of plaintiff's appeal, and I will not require plaintiff to post a bond.

ORDER

IT IS ORDERED that plaintiff Adam Christopher's motion to stay defendant's collection of costs pending the resolution of plaintiff's appeal, dkt. #194, is GRANTED.

Entered this 2d day of December, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge